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Letter dated 7 November 2005 from the Secretary-General to the Permanent Representative of Myanmar to the United Nations

I have the honour to refer to your letter of 24 October 2005 (A/C.3/60/2), in which you referred to my report on the situation of human rights in Myanmar (A/60/422) and stated that it contained important factual errors and went beyond parameters mandated by General Assembly resolution 59/263. I wish, through this reply, to clarify the issues you raised.

My report does not question the usefulness of the National Convention process or its importance as the first step of the seven-point road map for transition to democracy. In fact, reflecting what I have said publicly on various occasions before, it clearly states that "the National Convention ... and the seven-step road map toward democracy ... have the potential to generate positive change". It is my considered view that the National Convention, as presently configured, fails to adhere to the recommendations made by successive resolutions of the Assembly. It is for that reason that I continue to call for the inclusion of the National League for Democracy and the Shan Nationalities League for Democracy when the National Convention reconvenes later this year, even if they had, as you pointed out in your letter, declined to participate in its earlier sessions. I remain convinced that, for national reconciliation and a smooth transition to democracy to be achieved, the issues of inclusiveness and freedom of expression and assembly have to be addressed. I stand ready to assist the Myanmar authorities in finding ways to facilitate a dialogue between the political and ethnic parties on these issues before the National Convention is reconvened.

The references in the report to the number of armed groups that have signed ceasefire agreements and are cooperating with the Government, as well as the situation along the Myanmar-Bangladesh border, were made based on information in the public domain or provided to me and my Special Envoy. Their accuracy could not be verified by my Special Envoy as he has been denied access to Myanmar for more than 19 months since March 2004. It was unfortunate that his request to visit

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Myanmar, which he made during his recent visit to New York in early October 2005, did not receive a positive response from the Myanmar authorities.

It is generally the case that the human rights and humanitarian situation of a country is affected, both directly and indirectly, by the political developments and the socio-economic policies pursued by its Government. Hence, I consider it my responsibility to draw the attention of the Assembly to all significant contributing factors, such as the withdrawal of the Global Fund from Myanmar. However, it does not fall under my purview to pass on judgement as to whether the withdrawal was politically motivated.

As stated in my report, I remain committed to continue providing my good offices aimed at facilitating national reconciliation and democratization in Myanmar. In this context, I reiterate my hope to see progress taking place on the issues mentioned in paragraph 12 of the report, which have been called for repeatedly by the Assembly. If progress occurs, it is my intention to do all in my power to mobilize the necessary international assistance to support and facilitate national reconciliation efforts so that the people of Myanmar can partake in the same benefits of economic, social and political development as are enjoyed in neighbouring countries.

(*Signed*) Kofi A. **Annan**